

DONNA B. NOBLE; WILLIAM NOBLE,  
husband and wife,

VS.

CORPORAL BARRY GASTON, an individual; THE PENNSYLVANIA STATE POLICE DEPARTMENT,

Defendants.

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)  
)  
) Civil Action No. 08-348  
) Chief Judge Gary L. Lancaster  
) Magistrate Judge Amy Reynolds Hay

ORDER

AND NOW, this 20<sup>th</sup> day of July, 2010, after the Plaintiffs, filed a Complaint [Doc. 1] in the

above-captioned case, and a Motion for Summary Judgment [Doc. 43] was filed on behalf of Defendant Barry Gaston, a Report and Recommendation [Doc.48] was filed by the United States Magistrate Judge recommending that the Motion be denied, and granting the parties until July 16, 2010 to file written objections thereto. No objections were filed. Upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Defendant's Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order, they must do so within thirty (30) days by filing a notice of appeal as provided in Fed. R. App. P. 3.

G. H. Harcourt

Gary L. Lancaster  
Chief United States District Judge

cc: All counsel of record via CM-ECF

Hon. Amy Reynolds Hay